

***TOWN OF NEWFIELDS SELECT BOARD  
MEETING MINUTES  
TUESDAY JANUARY 18, 2022***

***Select Board Present: Jacquelyn Silvani & Michael Sununu  
Others Include: Police Chief Young & Town Residents***

***Call to order at 7:05 pm.***

The Select Board reviewed and approved the following items:

Checks Dated            01/21/21:        Accounts Payable Manifest    \$28,910.51

Michael motioned, seconded by Jacqui, to accept and sign the Pole License under RSA 72:23 dealing with the Town assessment of poles. All were in favor and the motion carried.

Michael motioned, seconded by Jacqui, to accept the bid from Plodzik & Sanderson, P.A. to provide auditing services for the Town. All were in favor and the motion carried.

Jacqui rescinded the mask mandate and suggested the Board make a public recommendation to wear masks in Town meetings. Jacqui informed Michael, and those attending, that after her recent conversations with the Health Office and Chief Young, she felt the more appropriate course of action would be to have a recommendation made by the Select Board that a mask be worn during public meetings through Election Day.

Michael responded that he had an issue with her referencing RSA-41:11, in Jacqui's initial ordinance as a means to recommend a mask policy. According to Michael, this RSA is specific to highways and road issue. Jacqui felt it was also for regulation of buildings. Michael also read RSA-41:11a which discusses buildings but references the lease of buildings for events.

Jacqui informed Michael that several NH towns have a mask mandate ordinance in which RSA-41:11 is cited and stated that Board members have the authority to do so.

Michael stated that if this were the case it would eviscerate RSA 91 which guarantees public access to all public meetings. He continued to read Article 8 of the NH State Constitution "All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable, and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted." He feels the Board cannot restrict people's access to vote at the Deliberative and Town Session and that there needs to be a burden of proof to infringe on residents' rights. He believes the Town would be at a legal risk to move forward with this mask policy and questioned whether legal counsel had been obtained to confirm legal standing.

After more discussion, the Board agreed to allow the Health Officer to write up a mask recommendation to be place at the Town Hall. A draft will be submitted for review to the Board and Bobby will discuss it with the Town Moderator prior to the Deliberative Session.

Michael motioned, seconded by Jacqui, to approve the 12/21/21 Select Board Meeting Minutes as drafted. All were in favor and the motion carried.

The Board deferred the approval of the 11/11 Select Board & Budget minutes until next meeting to allow time to read.

Michael adjourned the meeting at 7:26pm.

Respectfully submitted,

Kisha Therrien